

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO DEFINE "DENSITY NEUTRAL" AND "NATURAL FOREST STAND"; TO AMEND AND/OR CLARIFY THE PURPOSE, ELIGIBILITY AND STANDARDS OF CONSERVATION SUBDIVISION DEVELOPMENTS; TO PROVIDE FOR CONFLICTS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Section 10.1, of Article I of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is amended by adding the following definitions in alphabetical order, as follows:

Density neutral shall mean that the gross density of a parcel to be developed shall not exceed the maximum permitted density established for the land use category and base zoning applicable to the subject parcel.

Natural forest stand shall mean forest stands that have been regenerated by natural seedfall. For the purposes of the conservation easement, other types of timber stands, where native species compositions have been restored through planting, may be classified as "naturally forested" on a case-by-case basis.

Section 2. Section 10-1429, Conservation Subdivisions, of Division 2 of Article

XI of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is amended as follows:

(a) *Purpose and intent.* ~~Conservation or cluster subdivision design is encouraged to preserve and protect open spaces and environmentally sensitive land, by concentrating development on the most developable portion of a site. advance environmental resource protection or restoration by analyzing the development parcel so as to locate and coordinate appropriate areas for development and conservation. Applicants shall be required to participate in a pre-application meeting prior to submission of an application. The following standards shall apply to proposed conservation subdivision design developments. These provisions may apply to cluster development in the urban fringe area and shall apply to all cluster development proposed in areas designated Rural Residential in the Bradfordville Sector Plan. Such development will~~shall permanently ~~preserves~~et aside preservation features and canopy road protection zones and, to the greatest extent practicable, other functional open space and sensitive natural resources. In addition, Conservation Subdivisions shall allow for a diversity of lot sizes, housing choices, and building densities.

(b) *Procedures.* ~~Conservation subdivisions shall be reviewed and authorized through the subdivision and Type "D" site and development plan review processes.~~

Eligibility. ~~Conservation subdivision provisions may be applied at the request of a landowner in the Urban Fringe area, and they shall apply to all clustered development proposed in areas designated Rural Residential in the Bradfordville Sector Plan.~~

(c) *Density.* ~~The gross density shall not exceed the maximum density established for the land use category and base zoning applicable to the subject parcel.~~

1 subject to a suitability determination made by the Leon County Health Department. Up to
2 a ten percent density bonus may be approved at the discretion of the board if more than
3 50 percent of the site is reserved in perpetuity for common open space through a
4 conservation easement or for natural resource preservation purposes through a
5 mechanism acceptable to the Leon County attorney and approved by the board.

6 Procedures and Review.

7 (1) Conservation subdivisions shall be reviewed and authorized pursuant to
8 the site and development plan review and approval procedure provisions
9 of Division 4, Article XI of Chapter 10 of the Leon County Code. In
10 addition to submittals required for appropriate review under other
11 provisions of the Leon County Code, the following submittals shall also be
12 required:

13 a. A land preservation plan, showing all existing vegetation and proposed
14 changes and new planting, if any.

15 b. A geographic features and land use map of all land within 500 feet of
16 the site that shall indicate floodplains, area hydrography, publicly or
17 privately managed parks or preserves, and adopted or proposed
18 greenways.

19 The required plans and maps shall be prepared and sealed by a licensed
20 architect, engineer, or landscape architect, as appropriate.

21 (2) Pre-Application Meeting. Applicants shall be required to participate in a
22 pre-application meeting with all necessary and appropriate local
23 government departments prior to submission of an application for a

Conservation Subdivision. At least 5 working days prior to the meeting,
the applicant shall provide the land preservation plan and the site's
geographic features and land use map as described above.

(d) *Minimum Lot Size:* The minimum lot size shall be one-half acre in Urban
Fringe areas. In areas designated as Rural Residential in the Bradfordville Sector Plan,
the minimum lot size shall be one acre, unless the board finds that provisions have been
made to adequately address wastewater treatment and disposal, and that the superior
design of the site using smaller lots strengthens the rural character of the developed and
open space areas.

(e) ~~*Maximum lot size.*~~ No residential lot shall be greater than three acres in
size. *Density.* Conservation Subdivisions shall be density neutral. In UF, the maximum
density in the Development Area of a Conservation Subdivision shall be 1 dwelling unit
per 1.33 gross acres of the Total Parcel.

In areas designated Rural Residential in the Bradfordville Sector Plan, the
maximum density shall be 1 dwelling unit per 3 gross acres of the Total Parcel in Urban
Fringe and 1 unit per 10 gross acres in the Rural land use category. Up to a 10% density
bonus may be applied to Conservation Subdivisions in the Rural Residential areas of the
Bradfordville Sector Plan, subject to a Type "C" review process.

(f) ~~*Open space.*~~

(1) ~~At least 50 percent of the gross development area shall be reserved as~~
~~common open space.~~

(2) ~~Open spaces shall be continuous to the greatest extent practical and shall~~
~~be of sufficient dimensions to accommodate authorized uses.~~

1 ~~(3) Common open space use limitations shall be established prior to approval~~
2 ~~of the final plat. Generally, common open space may be reserved for~~
3 ~~natural open space, passive recreation uses (e.g., greenbelts, trails, picnic~~
4 ~~areas or open fields), agricultural land or environmental purposes.~~

5 ~~(4) If common areas are to be used for agricultural purposes, the applicant~~
6 ~~shall establish a Type "D" buffer between common pastures, animal~~
7 ~~enclosure areas or crop lands and residential lots. The applicant shall also~~
8 ~~establish appropriate easements to address common impacts of the normal~~
9 ~~agricultural operations (e.g., noise, dust or odors).~~

10 ~~(5) Development easements on agricultural or open space land shall be~~
11 ~~encouraged in order to protect the reserved land in perpetuity and to afford~~
12 ~~maximum state and federal tax incentives, deductions and credits to the~~
13 ~~landowner.~~

14 (f) Design Standards. Conservation Subdivisions shall be made up of two
15 distinct areas, the Reserve Area and the Development Area, which combined comprise
16 the Total Conservation Subdivision Parcel. The Total Parcel shall be contiguous in
17 location and configuration, except that roads, utility easements or other similar linear
18 infrastructure features may traverse it.

19 (1) *Reserve Area.*

20 a. The acreage that comprises the Reserve Area shall comprise no less
21 than 50% of the Total Parcel; shall be designated as permanent open
22 space via easement; shall be continuous and contiguous to the greatest
23 extent practicable with other portions of the site including the Reserve

1 Area; shall be contiguous with or proximal to existing or planned
2 public or private greenspace to the greatest extent practicable, and
3 shall be of sufficient size and buffered to accommodate authorized
4 uses and ensure the protection of all critical on-site resources that are
5 to be preserved.

6 b. Preservation areas and viewshed areas within designated protection
7 zones for canopy roads shall be incorporated into the Reserve Area;
8 Conservation areas, archaeological sites, agriculture and silviculture,
9 Rural Roads as designated in the Bradfordville Sector Plan, and other
10 open space shall be incorporated into the Reserve Area to the greatest
11 extent practicable.

12 c. The Reserve Area shall adjoin any existing or planned adjacent areas
13 of open space, or natural areas that would be potential sites for
14 inclusion as part of a future area of protected open space as depicted in
15 the Greenways Master Plan.

16 d. Reserve Area land shall be reserved permanently by easement for
17 natural open space, passive recreation uses (e.g., greenbelts, trails,
18 picnic areas or open fields), or environmental purposes, but may
19 contain accessory structures such as barns or utility sheds, provided
20 they are not habitable.

21 e. Reserve areas can be used for agriculture provided that the area is not
22 classified as a naturally forested area, conservation or preservation
23 area. Existing agricultural, grazing, and horticultural uses of the

1 property may continue provided that all such activities be designed to
2 prevent soil erosion; to protect water quality and wetlands; and to
3 maintain the scope of traditional or existing agricultural activities
4 under Best Management practices thereof. Reclaiming planted
5 forested sites not classified as "naturally forested" to fields, pastures,
6 orchards, groves, and turning open sites to forests is allowed. Usage
7 on open, nonforested sites may be rotated, i.e., cropland may be put
8 into pasture or planted with pine, preferably longleaf pine.

9 f. If a Reserve Area is to be used for agricultural purposes, the applicant
10 shall establish a Type "D" buffer between common pastures, animal
11 enclosure areas or croplands and residential lots adjacent to but not
12 part of the conservation subdivision. Such buffers may be considered
13 as part of the Reserve Area for purposes of meeting the minimum
14 relative size requirement of the Reserve Area. The applicant may also
15 be required to establish appropriate easements to address common
16 impacts of the normal agricultural operations (e.g., noise, dust or
17 odors).

18 g. Reserve areas can be used for silviculture provided that the area is not
19 classified as a naturally forested area, a conservation area, or a
20 preservation area. Selective thinning of existing planted pines shall be
21 permitted in conservation and preservation areas on a case-by-case
22 basis if managed to promote a native forest stand. All other existing
23 silviculture operations in proposed reserve areas shall employ all best

1 management practices (BMPs) as may be adopted or updated by the
2 Florida Division of Forestry from time to time.

3 h. The Reserve Area shall be placed under a permanent easement that
4 runs with the land. Subject to approval by the County, the easement
5 may be assigned to the local government or to an existing land trust
6 that is a 501(c)(3) organization for which conservation of resources is
7 a principal goal and which can provide reasonable assurance it has
8 financial and staff resources to monitor and manage the easement.
9 Development easements on agricultural or open space land shall be
10 encouraged in order to protect the reserved land in perpetuity and to
11 afford maximum state and federal tax incentives, deductions and
12 credits to the landowner.

13 i. Stormwater management facilities which are otherwise permissible are
14 allowed in the reserve area provided that the facilities are located
15 outside of preservation areas, canopy road protection zones, naturally
16 forested areas, and meet one of the following two standards:

17 1. Wet detention ponds shall have side slopes of 6:1 or flatter with
18 appropriate wetland tree and aquatic plants species that visually
19 integrates the stormwater facility into the overall Reserve Area.

20 2. Retention ponds shall have side slopes of 4:1 or flatter with
21 appropriate tree and plant species that visually integrates the
22 stormwater facility into the overall Reserve Area.

1 j. All applicants for a Conservation Subdivision shall submit a
2 management plan describing how the Reserve Area land will be
3 maintained in perpetuity, including provision of a dedicated source of
4 funds approved by the local government, to finance the timely and
5 consistent execution of the plan.

6 ~~(g) *Access.* Access to the residential units in a conservation subdivision~~
7 ~~design development shall be provided from internal streets with the principal entrance of~~
8 ~~the internal road system abutting upon a public road. For any proposed private street,~~
9 ~~serving more than four dwellings, the establishment of road maintenance and funding~~
10 ~~mechanisms shall be required, and shall be approved by the person or entity with the~~
11 ~~authority to approve such development.~~

12 (2) Development Area. The Development Area shall include that portion of
13 the Parcel proposed for development at the density established for the land
14 use category and base zoning applicable to the subject property. The
15 Development Area shall: be located on the least environmentally or
16 otherwise significant portions of the Total Conservation Subdivision
17 Parcel in accordance with Section (f)(1) above; comprise no more than
18 fifty (50) percent of the Total Conservation Subdivision Parcel; be
19 contiguous, and configured in such a manner as to not adversely interfere
20 with continued farming or silviculture uses in the Reserve Area; and allow
21 maximum open space to be easily maintained in the Reserve Area. Design
22 of the Development Area shall follow the procedural steps set forth below.

- 1 a. Delineate areas of the site to be reserved due to their significant
2 features and value to the area's continued natural character in
3 accordance with Section (f) (1) above;
- 4 b. Determine the number of allowable lots desired;
- 5 c. Locate potential development sites on the area of the tract not
6 delineated as reservation areas, with due consideration for topography,
7 soil suitability for construction and septic system use, and efficient
8 service by public or central water and/or sewerage systems, as
9 applicable;
- 10 d. Align streets to serve house sites, with due consideration for
11 topography and connections to existing, planned or potential streets in
12 adjacent areas, and align pedestrian trails if planned; and
- 13 e. Delineate boundaries of individual residential lots where lot sizes and
14 shapes, block sizes and shapes, and street networks and alignments
15 shall be designed in accordance with accepted planning practices to
16 produce a rational and economical system without undue clearing or
17 grading. The lot arrangement, design and orientation shall be such that
18 all lots will provide satisfactory building sites that are properly related
19 to topography and the character of surrounding development,
20 encourage a range of housing types and sizes, and provide safe and
21 convenient vehicular access to public streets.
- 22 f. Specific development and locational standards shall be subject to the
23 minimum standards of the underlying land use category and base

1 zoning district and shall be established at the time of development plan
2 submittal.

3 ~~—— (h) *Maximum number of residential dwelling units per cluster.* Residential~~
4 ~~dwelling units shall be clustered in groups of not more than ten dwelling units per cluster~~
5 ~~in areas designated as Rural Residential in the Bradfordville Sector Plan.~~

6 ~~—— (i) *Separation between clusters.* Residential clusters shall be separated by a~~
7 ~~minimum of 400 feet of open space in rural residential areas as designated in the~~
8 ~~Bradfordville Sector Plan.~~

9 **Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the
10 provisions of this ordinance are hereby repealed to the extent of such conflict, as of the
11 effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-
12 Leon County Comprehensive Plan as amended, which provisions shall prevail over any
13 parts of this ordinance which are inconsistent, wither in whole or in part, with the said
14 Comprehensive Plan. Any provisions that are otherwise repealed by this ordinance shall
15 nonetheless continue to apply to those applications on file and being reviewed by the
16 county as of the effective date of this ordinance.

17 **Section 4. Severability.** If any portion of this ordinance is held invalid or
18 unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a
19 separate, distinct, and independent provision and such hold shall not effect the validity of
20 the remaining portion of the ordinance.

21 **Section 5. Effective Date.** This ordinance shall become effective as provided by
22 law.

23

1 Duly passed and adopted by the Board of County Commissioners of Leon County,
2
3 Florida, this ____ day of _____, 2005.
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7 LEON COUNTY, FLORIDA

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9 _____
10 Cliff Thael, Chairman

11 ATTEST:
12 Bob Inzer, Clerk of Court
13

14 By: _____
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16
17 APPROVED AS TO FORM:
18 County Attorney's Office
19 Leon County, Florida
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21 By: _____
22 Herbert W. A. Thiele, Esq.
23 County Attorney
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